

Notice of Allowability

Application No.

10/007,919

Examiner

Jason Prone

Applicant(s)

URLAUB ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 24 May 2004.
2. ☒ The allowed claim(s) is/are 1-12, 21-26, 29, 30, and 32-39.
3. ☒ The drawings filed on 07 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Todd Rathe on 01 October 2004.

The application has been amended as follows:

- Claim 1 has been replaced with :

--A tool comprising:

a tear-off edge;

a grasper, adapted to selectively grasp a tearable medium, extending along a first axis;

a conveyor adapted to selectively move the grasper along second axis oblique to the first axis to move the tearable medium against the tear-off edge to sever the tearable medium; and

a controller adapted to transmit a first signal for instructing the conveyor to move the gasper and a second signal for instructing the gasper to grasp the tearable medium.--

- In claim 7, the phrase "forms an oblique angle with the first axis along" has been replaced with --forms an oblique angle with the second axis along--.

Art Unit: 3724

- Claim 30 has been replaced with:

A printing system comprising:

a printer configured to print upon a tearable medium;

an edge configured to extend along the tearable medium;

a grasper configured to grasp the tearable medium along a first axis while being moved in a direction oblique to the first axis to urge the tearable medium against the edge to sever the medium.

- In claim 38, the phrase "moves along the third axis" has been replaced with -- moves along the second axis--.
- In claim 39, the phrase "extend perpendicular to the second axis" has been replaced with --extend perpendicular to the first axis--.

Allowable Subject Matter

2. Claims 1-12, 21-26, 29, 30, and 32-39 are allowed.
3. The following is an examiner's statement of reasons for allowance: Claims 1-12, 21-26, 29, 30, and 32-39 are allowable because of the apparatus with a first jaw that moves along a first axis, toward a second jaw, to grasp the work piece and a conveyor adapted to move the first and second jaws along a second axis that forms an oblique angle with the first axis as set forth in the claims. In regards to Taylor, an apparatus is disclosed in which a first jaw moves along a first axis, toward a second jaw, to grasp the work piece and a conveyor adapted to move the first and second jaws along a second axis that is parallel with the first axis. There is no motivation to change the axis along which the jaws close to create an oblique angle with the axis along which the carriage

travels. Such a change would destroy the Taylor reference. None of the prior art cited discloses an apparatus that incorporates the use a first jaw that moves along a first axis, toward a second jaw, to grasp the work piece and a conveyor adapted to move the first and second jaws along a second axis that forms an oblique angle with the first axis to tear the work piece against a tear-off edge. Therefore, in view of what has been stated above, the claims are allowable over the art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/007,919

Page 5

Art Unit: 3724

you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).



JP
October 1, 2004



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